

# WINSTON & STRAWN

ONE FIRST NATIONAL PLAZA  
CHICAGO, ILLINOIS 60603

(312) 558-5600  
TWX 910-221-5467  
TELECOPIER (312) 558-5854

FREDERICK H. WINSTON (1853-1886)  
SILAS H. STRAWN (1891-1946)

JAMES A. VROMAN  
(312) 558-5820

July 26, 1988

Ms. Mary Gade  
Acting Director  
Office of Superfund  
United States Environmental  
Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

RECEIVED

JUL 27 1988

EMERGENCY &  
REMEDIAL  
RESPONSE BRANCH

WASHINGTON, D.C. OFFICE  
2550 M STREET, N.W.  
WASHINGTON, D.C. 20037  
(202) 828-8400

PHOENIX OFFICE  
2300 GREAT AMERICAN TOWER  
3200 NORTH CENTRAL AVENUE  
PHOENIX, ARIZONA 85012  
(602) 279-8500

TUCSON OFFICE  
SUITE 600  
5210 EAST WILLIAMS CIRCLE  
WILLIAMS CENTRE  
TUCSON, ARIZONA 85711  
(602) 747-9901

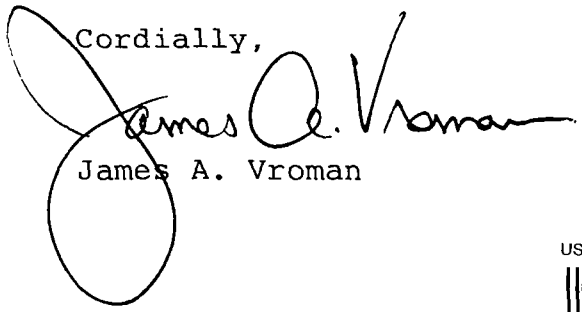
Re: Hendrickson Manufacturing and the Ninth  
Avenue Dump, Gary, Indiana (The Site)

Dear Ms. Gade:

Your letter of July 7, 1988 which constituted a "Special Notice Of Potential Liability" and which was addressed to Hendrickson Manufacturing contained the wrong address. As I have previously explained to Ms. Susan Swales of the U.S. EPA, Region V, Waste Management Division, CERCLA Enforcement Section, the Hendrickson Manufacturing which may have done business with the Ninth Avenue Dump in Gary, Indiana is no longer at 8001 47th Street, Lyons, Illinois and has not been located at that address since December of 1978. Copies of my correspondence with Ms. Swales are enclosed for your review.

We presently do not know the current location of the Hendrickson Manufacturing which may have done business with the Ninth Avenue Dump. If we can be of any assistance in helping you locate the current whereabouts of that entity, please let us know.

Cordially,

  
James A. Vroman

JAV:wgc  
Enclosures

US EPA RECORDS CENTER REGION 5



410362

April 20, 1988

VIA MESSENGER

Ms. Susan Swales  
U.S. EPA - Region V  
Waste Management Division  
CERCLA Enforcement Section  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: Ninth Avenue Dump, Gary, Indiana;  
U.S. Scrap, Chicago, Illinois

Dear Ms. Swales:

This letter confirms the substance of the phone conference we had on April 19, 1988. As I informed you during our phone conversation, I, and my law firm, represent The Boler Company and its subsidiary Hendrickson Manufacturing Company, a Delaware Corporation ("Hendrickson").

As I mentioned to you during our phone conversation, Mr. Louis Rundio of McDermott, Will & Emery sent you a letter on April 5, 1988 requesting that Hendrickson Manufacturing Company have until the end of April to respond to the discovery request contained in the March 9, 1988 P.R.P. letter. I do not know if Mr. Rundio sent the letter on behalf of Hendrickson Manufacturing Corporation, an Illinois corporation, Hendrickson Mobile Equipment, Inc., or my client, Hendrickson. In any event, I assumed we had until the end of April to respond to the P.R.P. letter and you have kindly agreed to give me until April 29, to respond to this letter on behalf of Hendrickson.

I should advise you that we are looking into whether our client, Hendrickson, should even formally respond to the March 9, P.R.P. letter. It is my understanding Hendrickson acquired the manufacturing facility located at 8001 47 Street, Lyons, Illinois, pursuant to an Asset Purchase Agreement in December of 1978. We are reviewing that Agreement to determine whether our client or Hendrickson Manufacturing Corporation, an

Ms. Susan Swales

April 20, 1988

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Illinois corporation, and "the Seller" identified in that Agreement, is the appropriate entity to respond to the P.R.P. letter. We intend to provide you with our conclusion on or before April 29. Your accommodation in this regard is greatly appreciated.

Cordially,

James A. Vroman

JAV:wgc

April 26, 1988

VIA MESSENGER

Ms. Susan Swales  
U.S. EPA - Region V  
Waste Management Division  
CERCLA Enforcement Section  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: Ninth Avenue Dump, Gary, Indiana;  
U.S. Scrap, Chicago, Illinois

Dear Ms. Swales:

As I advised you in my April 20, 1988 letter to you, our client, Hendrickson Manufacturing Company, a Delaware corporation ("Hendrickson") is now in a position to formally respond to the March 9, 1988 PRP letter which was addressed to "Hendrickson Manufacturing, 8001 47th Street, Lyons, Illinois 60534." We believe that our client mistakenly received Mary Gade's PRP letter of March 9, 1988. Hendrickson did not acquire the manufacturing facility in Lyons until December 1978, through an asset purchase from an Illinois corporation known as Hendrickson Manufacturing Company. In 1987 Hendrickson sold substantially all of its operating assets to an entity known as Hendrickson Mobile Equipment, Inc.

The 1977 Certified List of domestic and foreign corporations, issued by the Illinois Secretary of State, shows "Hendrickson Mfg. Co." as a domestic corporation with a registered office at 8001 West 47th Street, Lyons, Illinois 60534. That office is no longer the location of the registered agent for Hendrickson Manufacturing Company, the Illinois corporation.

Ms. Susan Swales  
April 26, 1988  
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Accordingly, it is obvious that our client,  
Hendrickson, the Delaware corporation, can produce nothing in  
response to Mary Gade's letter since it is not a potentially  
responsible party.

Sincerely,

James A. Vroman

JAV:wgc

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery  
†(Extra charge)† †(Extra charge)†

3. Article Addressed to:

HENDRICKSON MANUFACTURING  
8001 47TH STREET  
LYONS, IL 60534

4. Article Number

837849481

Type of Service:

☐ Registered ☐ Insured  
☐ Certified ☐ COD  
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

9/13/88

8. Addressee's Address (ONLY if requested and fee paid)

